



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/337,181	06/21/1999	YUHICHI NAKAMURA	JA998-075	8654

7590 06/03/2005
ANNE VACHON DOUGHERTY
3173 CEDAR ROAD
YORKTOWN HEIGHTS, NY 10598

EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/337,181

Applicant(s)

NAKAMURA ET AL.

Examiner

Khanh Dinh

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date, _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 2/23/2005, PROSECUTION IS HEREBY REOPENED. The Office Action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Greenspan et al. (hereafter Greenspan), US pat. No.6,516,191.

As to claim 1, Greenspan discloses a method for multicasting a retrieval request message to more than one of a plurality of mobile agents (Mobile stations 210, 220 fig.2) comprising the steps of:

receiving a packet comprising a retrieval request message and a non-address preferential destination for said retrieval request as designated by a user (broadcasting advertisement information data to mobile stations according to user's requests, see abstract, fig.1, 2, col.3 line 6 to col.4 line 61),

dynamically creating a list of destinations (mobile stations) that can respond to said retrieval request, said list comprising more than one of said plurality of mobile request handling agent to whom said message is to be sent, by referring to said retrieval request and a non-address preferential destination and sending said list to the mobile handling agent as determined as destinations for responding to said request

Art Unit: 2151

(broadcasting advertising data to mobile stations from content servers, see col.4 line 62 to col.5 line 50).

As to claim 2, Greenspan discloses using priority messaging policy data defining priorities of agents to which said message can be sent with different types (see col.5 line 51 to col.6 line 64).

As to claim 3, Greenspan discloses said massaging data in defined for each type of message (see col.6 lines 14-64).

As to claim 4, Greenspan further discloses messaging policy data defines the number of agents, which receive the message for each type of message (see col.6 lines 14-64 and col.7 lines 23-61).

As to claim 5, Greenspan discloses using priorities of agents defined in said messaging policy data and pairs of agent names and priorities included in said preferential destination information to determine destination agents from an agent having highest priority (see col.1 lines 26-54 and col.3 line 6 to col.4 line 61).

As to claim 6, Greenspan discloses sending information concerning agents which are not determined as destination agents and said message to a representative agent which

Art Unit: 2151

represents agents to which said message can be sent (see col.1 lines 26-54 and col.3 line 6 to col.4 line 61).

As to claim 7, Greenspan discloses sending information concerning agents which are not determined as destination agents and said message to a representative agent which represents agents to which said message can be sent (see col.1 lines 26-54 and col.3 line 6 to col.4 line 61).

As to claim 8, Greenspan discloses a representative agent generating a response message for a source agent of a message, by referring to information from pre-registered agents to which said message can be sent (see col.1 lines 26-54 and col.3 line 6 to col.4 line 61).

As to claim 9, Greenspan discloses a representative agent generates a response message for a source agent of a message, by referring to information from pre-registered agents to which said message can be sent (see col.1 lines 26-54 and col.3 line 6 to col.4 line 61).

As to claim 10, Greenspan further discloses a computer comprising:

an execution environment for a mobile request handling agents (mobile stations 210 or 220 fig.2).

dynamically creating a list of destinations (mobile stations) that can respond to said retrieval request, a message monitor (content server 140 or 150 fig.2) for receiving a packet comprising a retrieval request message a non-address preferential destination designated by a user from an agent being active in the execution environment, determining to which mobile agents (mobile stations) a message is to be sent (broadcasting advertisement information data to mobile stations according to user's requests, see abstract, fig.1, 2, col.3 line 6 to col.4 line 61), by referring to said retrieval request a non-address preferential destination and preferential destination information and then sending said message to the agents determined as destinations an user delivering a message with a set of characteristics that are used to determine which users should receive the message (broadcasting advertising data to mobile stations from content servers, see col.4 line 62 to col.5 line 50).

Claims 11-14 are rejected for the same reasons set forth in claims 2, 5, 6 and 7 respectively.

Claims 15-18 are rejected for the same reasons set forth in claims 1, 2, 5, 6 and 7 respectively.

As to claims 19 and 20, Greenspan discloses a method for multicasting a retrieval message to more than one of a plurality of mobile agents (mobile stations), comprising:

receiving a retrieval request message and dynamically creating a list of destinations (broadcasting advertisements to mobile stations) that can respond said retrieval request, said list comprising more than one of a plurality of mobile agents for responding to determining to which mobile handling agent said message is to be sent, by referring to a messaging policy data defining priorities of mobile request handling agents to which said message can be sent (broadcasting advertisement information data to mobile stations according to user's requests, see abstract, fig.1, 2, col.3 line 6 to col.4 line 61) and sending said message to said list of more than one of said mobile request handling agents determined as destinations for responding to said retrieval request receiving a retrieval message (broadcasting advertising data to mobile stations from content servers, see col.4 line 62 to col.5 line 50).

Other prior art cited

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Gardenswartz et al., US pat. No.6,055,573.
- b. Namba, US pat. No.6,519,525.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Claims 1-20 are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (703) 872-9306.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U. S. C. Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh
Patent Examiner
Art Unit 2151
5/29/2005